



April 2, 2013

# Homeland Security

**SENT VIA EMAIL TO: JASON@TRUTHOUT.ORG**

Jason Leopold

Re: **NPPD12F336**

Dear Mr. Leopold:

This is the electronic **second interim** response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated October 31, 2011, and received by this office from the PRIV Office on July 9, 2012. You are seeking all Department of Homeland Security emails, memos, letter, audio/video, transcript, reports, including Threat Assessments, related to the protest movement known as "Occupy Wall Street." I am also seeking any correspondence, which includes emails, memos, transcripts, reports, Threat Assessments, between Department of Homeland Security personnel and law enforcement agencies, including the FBI, CIA, and local police personnel, related to the protest movement known as "Occupy Wall Street." Additionally, I am seeking any reports, which includes Threat Assessments, prepared by the Department of Homeland Security on the protest movement known as "Occupy Wall Street." These documents should cover the timeframe of August 1, 2011 and October 31, 2011.

A search of the National Protection and Programs Directorate for documents responsive to your request produced a total of 265 pages. I have determined that 27 pages of the records are releasable in their entirety, 234 pages are partially releasable, and 4 pages are withheld in their entirety pursuant to Title 5 U.S.C. § 552 (b)(5), (b)(6) and (b)(7)(C), FOIA Exemptions 5, 6, and b7(C).

Enclosed are 265 pages with certain information withheld as described below.

**FOIA Exemption 5** protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I have determined that portions of the responsive documents qualify for protection under the Deliberative Process Privilege. The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

**FOIA Exemption 6** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy

interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**FOIA Exemption 7(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

The Office of Government Information Services (OGIS) mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS about a FOIA, you may email them at [ogis@nara.gov](mailto:ogis@nara.gov) or call 1-877-684-6448.

Provisions of the FOIA and Privacy Act allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 CFR § 5.11(d)(4).

If you need to contact our office again about this matter, please refer to **NPPD12F336**. This office can be reached at 703-235-2211.

Sincerely,

*Sandy Ford Page*  
SANDY FORD PAGE  
FOIA Officer

Enclosure(s): Responsive Documents, 265 page PDF